

REMARKS

An election requirement was issued in the Office Action mailed May 17, 2006, requiring election of species: (A) FIG. 1, (B) FIG. 1A, (C) FIG. 2, or (D) FIG. 5. The Office Action stated that no claims were generic.

Applicants hereby provisionally elect, with traverse, species (A) FIG. 1 for prosecution on the merits. Claims 1-6, 9-14, 17-19, 21-24, 26 and 27 encompass the elected species (A). However, it is submitted that generic claims exist. For instance, claims 1-6, 9-14, 17-19 and 21-23 are genus claims that encompass both species (A) and (C).¹ That is, species (A) and (C) are not independent and distinct inventions. Rather, species (A) and (C) are different embodiments of the same invention because they are connected in design, operation and effect. Indeed, the specification states: "Transducing head 72 in FIG. 2 has a configuration and function similar to transducing head 32 illustrated and described with respect to FIG. 1." (P. 15, ll. 3-4). Because claims 1-6, 9-14, 17-19 and 21-23 read on both species (A) and (C), they are generic linking claims and should be identified as such. MPEP 809.03. Notification to that effect is requested.

Moreover, claims 1-3, 9, 10, 24, 26 and 27 are generic (genus) claims that read on both species (A) and (D). In addition, claims 11-13, 17-19, 21 and 22 are generic (genus) claims that read on both species (A) and (B). These additional generic linking claims should be identified as such. MPEP 809.03. Notification to that effect is requested.

Other claims directed to species which depend from or otherwise require all the limitations of an allowable generic claim are entitled to consideration upon the allowance of such a generic claim, as provided by 37 C.F.R. 1.141.

¹It should be noted that FIGS. 3 and 4 correspond to the embodiment shown in FIG. 2, and therefore should be considered part of species (C).

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CONCLUSION

The Examiner is invited to contact the undersigned if a telephonic interview would in any way facilitate the prosecution of the present case. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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